

BEFORE THE  
SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
LEAGUE OF WOMEN VOTERS, et al., )  
Appellants, )  
vs. )  
COUNTY OF KING and )  
KING COUNTY DEPARTMENT OF PARKS, )  
Respondents. )

SHB No. 13

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

On February 25, 1972, King County granted the application of the King County Department of Parks for a Substantial Development Permit for Seahurst Park in that County, pursuant to Chapter 90.58 RCW (the Shoreline Management Act of 1971), and the Department of Ecology regulations passed pursuant thereto.

Numerous timely Requests for Review of the granting of the Permit were filed with this Board.

The Department of Ecology and Slade Gorton, the Attorney General, appealed the granting of the Substantial Development Permit by King

1 County, and have certified 11 different appeals as being meritorious;  
2 these included appeals by the League of Women Voters of King County  
3 South; the Puget Sound Group of the Sierra Club; Washington  
4 Environmental Council, and numerous individuals (Bruce Cowan,  
5 Frederick G. Hazeltine, et al., Richard J. Krolick, William M.  
6 Mandelin, et al., Florence and Richard A. McMullin, Hylon and Sally  
7 Moore, and Ruth E. and Robert J. Laughlin).

8 Throughout the hearing which was held in the King County  
9 Administration Building July 17-21, 1972, the appellants, Department  
10 of Ecology and the Attorney General were represented by Robert V.  
11 Jensen, assistant attorney general, the League of Women Voters of  
12 King County South by Arthur D. Kiel, its attorney; and the Puget Sound  
13 Group of the Sierra Club by William R. Trippett, its attorney;  
14 Washington Environmental Council by its president, Mr. J. N. Paulson;  
15 many of the other appellants were present in person at various times  
16 during the hearing. The respondents, County of King and King County  
17 Department of Parks, were represented by John E. Keegan and Barbara  
18 Isenhour, Deputy Prosecuting Attorneys for King County.

19 The Shorelines Hearings Board first overruled a procedural  
20 challenge; certain of the appellants contending that the Substantial  
21 Development Permit for Seahurst Park should have been issued under the  
22 procedures of the Washington Administrative Procedure Act (RCW 34.04)  
23 instead of pursuant to the Shoreline Management Act (RCW 90.58.140).  
24 The Board held that King County in issuing the Permit was not acting  
25 as a State agency, and that the Washington Administrative Procedures  
26 Act therefore had no applicability.

27 FINDINGS OF FACT,

CONCLUSIONS AND ORDER

From the evidence presented (testimony and exhibits), and assisted by the arguments of counsel, the Shorelines Hearings Board prepared its "Proposed Findings, Conclusions and Order" which were submitted to all parties on August 16, 1972. Thereafter Exceptions and briefs were received on behalf of the appellants, and the respondent King County and King County Department of Parks. Thereafter on October 11, 1972, a hearing on the Exceptions was held in Olympia (311 Insurance Building). As a result of that hearing, certain changes were made in the Proposed Findings, Conclusions and Order, and the Shorelines Hearings Board now makes and enters herein its Findings of Fact, Conclusions of Law and Order:

#### FINDINGS OF FACT

##### I.

Seahurst Park, its beaches, shorelands and offshore waters are extensively used for park and shoreline recreational uses, including among others, picnicking, sun bathing, swimming, boating, bathing, fishing, clamming and for scuba and skin diving offshore. It is, with its wooded uplands and natural streams, truly a nature lover's park.

##### II.

The proposed development of the park includes the following specific projects:

- a. Construction of four boat launching ramps near the south end of the beach, consisting of six lanes of concrete material extending from the beach into the water, two finger piers, and two short protective groins. Two of the lanes are to be blocked off, and thus the ramp is readily expandible to six lanes;

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

- b. A waterfront parking area adjacent and accessory to the boat launching ramp. The parking area is to extend from the south end of the park northward for approximately 1,200 feet to the area known as the "delta". It will extend seaward from above extreme high water to beyond mean lower low water in some places. It will completely cover a very large percentage of the "inter-tidal zone" along the south 1,200 feet of the shoreline. The parking lot is designed to provide parking space for 90 car/boat trailer combinations and general parking for 92 additional cars. The parking lot is broken into two sections, the southern 2/3 of the area being specifically designated for launch parking;
- c. General landscaping and contouring of the parking lot area includes a culvert to carry what has been called the "south stream" under the parking lot;
- d. A C-shaped fishing pier extending seaward and curving northerly from the north end of the parking lot and enclosing the area known as the "delta". The pier is 17 feet high, supported on 79 supporting piles. The pier, except a small portion thereof between the +6' and -11' tide levels is provided with a rock rip rap base to the -6.47 foot tide elevation; (mean lower low water)
- e. The parking lot is bounded on the seaward side by a rock rip rap bulkhead;
- f. Northerly from the delta to the location of the Marine Technology Center the park is bounded by a concrete bulkhead in front of which are located low gabion walls and artificial

1 beaches. The gabion walls are made from rock filled baskets  
2 behind which a permeable sheet is placed to retain sand placed  
3 in the artificial beaches. Upland from the concrete wall in  
4 the area between the existing bathhouse and the caretaker's  
5 cottage are grass picnic areas and children's play areas. No  
6 public road connects these areas to the park entrances located  
7 at about the middle of the park;

8 g. The concrete wall extends northerly to a point approximately  
9 500 feet south of the northern boundary of the park;

10 h. No construction is contemplated in the northern 500 feet of  
11 shoreline.

12 III.

13 No environmental impact statement was secured prior to the issuance  
14 of the Permit in question. The environmental impact statement when  
15 distributed, amounted to little more than an after the fact justification  
16 for an already completely planned project, and differed substantially in  
17 tenor from the Ecological Study Team's Report.

18 IV.

19 While the development plan was submitted to the County Council and  
20 approved by a divided vote, there was no full compliance with either the  
21 letter or the spirit of the statutes designed to insure a consideration  
22 of the environmental impact prior to the issuance of a Substantial  
23 Development Permit.

24 V.

25 The launching ramps would certainly attract hundreds of power  
26 boaters to the park, but would, at the same time, in addition to the

1 smell, the noise and the inevitable degradation of the waters, render  
2 the entire beach area much less attractive to those who came to the  
3 park for other purposes, particularly those who came to walk on the  
4 beach or to wade or to swim, and would reduce the use of the adjacent  
5 waters for skin or scuba diving.

6 VI.

7 The lower parking area on the proposed inter-tidal fill adjacent  
8 to the proposed boat launching ramps, has no justification if the boat  
9 launching ramps are not constructed, and fills on an inter-tidal beach  
10 to provide parking space are highly objectionable under any circumstances  
11 as is the culverting of the "south stream" with its added restriction on  
12 the use of the stream for fish spawning.

3 VII.

4 The C-shaped fishing pier as planned is less objectionable than  
5 the boat launching ramps, the inter-tidal fill area for parking, and  
6 the culverted stream, however, the supports to the pier would be no  
7 asset to the beach and there is no showing of any popular demand for  
8 the fishing pier.

19 VIII.

20 The concrete sea wall and bulkhead north of the stream and delta  
21 area would stabilize and protect the existing beach in this area of the  
22 park from further erosion and would facilitate existing recreational  
23 uses in this area including picnicking, sunbathing, swimming, fishing  
24 and walking on the beach.

25 From these Findings of Fact, the Shorelines Hearings Board comes  
26 to these

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

125

CONCLUSIONS

I.

All provision for boat launching ramps should be eliminated from any plans for the development of Seahurst Park.

II.

Provision for a fill in the inter-tidal part of Seahurst Park to provide parking space should be eliminated from any plans for the development of that park. Parking space is not a use dependent on the shorelines.

III.

All provision for the additional culverting of the "south stream" should be eliminated from any plans for the development of Seahurst Park. Any changes in the existing culverting of the "south stream" should be consistent with the requirements of the Washington State Department of Fisheries.

IV.

The foregoing three items being eliminated from any plans for the substantial development of Seahurst Park, the Substantial Development Permit issued February 25, 1972 should be cancelled in part and referred back to King County Park Department to determine what other substantial development plans, if any, it desires for Seahurst Park, with instructions to secure a before-the-fact environmental impact statement before reissuing a Substantial Development Permit: Provided, however, that present Permit shall remain valid and fully effective for the north sea wall development only, which development is described in Findings II(g) and VIII above and more particularly on drawings 13

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 (with minor modification as indicated on "Attachment A"), 14, 15 and  
2 16 of respondents' Exhibit No. 1.

3 Based on the foregoing Findings of Fact and Conclusions, the  
4 Shorelines Hearings Board enters the following

5 ORDER

6 Shoreline Management Substantial Development Permit No. 14  
7 heretofore issued by King County is cancelled in part by reason of  
8 the ecologically improvident nature of portions of the plans the  
9 Permit was intended to implement; provided, however, that such Permit  
10 shall remain in full force and effect in so far as it relates to the  
11 construction of the concrete sea wall referred to in Findings of Fact  
12 II(g) and VIII, and in Conclusion IV. The matter of a substantial  
13 development plan for Seahurst Park is remanded back to the proper  
14 authority of King County for such action as it may deem necessary beyond  
15 that allowed by this Order, provided that it shall not be inconsistent  
16 with the conclusions on which this Order is predicated.

17  
18  
19  
20  
21  
22  
23  
24  
25

26 FINDINGS OF FACT,  
27 CONCLUSIONS AND ORDER



DONE at Olympia, Washington this 11th day of October, 1972.

SHORELINES HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

Chet F. Gardner  
CHET F. GARDNER, Member

Matthew W. Hill  
MATTHEW W. HILL, Member

Robert F. Hintz  
ROBERT F. HINTZ, Member

Arden A. Olson  
ARDEN A. OLSON, Member

James T. Sheehy  
JAMES T. SHEEHY, Member